



## EAGLE FORUM

LEADING THE PRO-FAMILY MOVEMENT SINCE 1972

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April 22, 2015

The Honorable Michael Burgess  
Chairman  
Commerce, Manufacturing, and Trade  
Subcommittee  
Energy & Commerce Committee  
United States Congress  
Washington, DC 20515

The Honorable Jan Schakowsky  
Ranking Member  
Commerce, Manufacturing, and Trade  
Subcommittee  
Energy & Commerce Committee  
United States Congress  
Washington, DC 20515

Dear Representatives Burgess and Schakowsky:

Eagle Forum writes to express its support for the Targeting Rogue and Opaque Letters (TROL) Act. Eagle Forum has a strong principled interest in protecting America's constitutionally grounded intellectual property rights and justice for small businesses. The TROL Act seeks to achieve that dual goal.

The TROL Act strikes a reasonable balance between curbing abusive practices involving demand letters and preserving the ability of patent owners to defend patents through written communications with suspected infringers. Eagle Forum's primary concern is the ability of independent inventors to exercise their constitutionally guaranteed private property rights in their discoveries, including through vigorous legal defense of patents. We also favor relieving mom-and-pop retailers of the abusive use of demand letters that make false, misleading claims of patent infringement by components of off-the-shelf goods.

This legislation avoids devaluing patents and depriving patent owners of the ability to take legal action against infringers. This is vital if American innovation is to thrive. Instead, the TROL Act would appropriately target conduct done in bad faith. The TROL Act uses the Federal Trade Commission's existing authorities to go after unfair or deceptive practices in patent demand letters. Because it applies to assertions of patents, an enumerated federal matter, the preemption of states is appropriate here.

On balance, the TROL Act approach is superior to other so-called patent reform legislation, which Eagle Forum opposes. We would suggest adding a rebuttable presumption in favor of patent owners for better balance of the pro-patent, pro-inventor part of the equation. Thank you for your leadership on addressing this matter in a manner that achieves the dual pro-patent, pro-small business goals.

Faithfully,

Chairman  
Eagle Forum